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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/859,675      | 05/18/2001  | John Duffy           | 1999-0719           | 3353             |

28317 7590 03/20/2006  
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EXAMINER

AHMED, SALMAN

ART UNIT PAPER NUMBER

2666

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 09/859,675             |  | DUFFY ET AL.        |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Salman Ahmed           |  | 2666                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/17/06 (Amendment).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/18/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, pages 4-5 of the Remarks section, filed 1/17/2006, with respect to the rejections of claims have been fully considered and they are not persuasive. The Applicant has cancelled Claims 1-7. The Applicant has amended claims 8-10 and added new claims 11-15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (please refer below).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnaswamy et al. (US PAT 6909708), hereinafter referred to as Krishnaswamy

In regards to claim 8 Krishnaswamy anticipates a method of assuring security of a video call in an internet protocol video data network (network in figure 19c) wherein a router (figure 19c numeral 1 calling terminal) communicates with a gatekeeper (figure 19c numeral 4 gatekeeper) of network in a control channel session (column 132, line

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12, H.323 session) comprising the steps of the router receiving an incoming video call from an internet protocol video data network (column 132, line 12, A call initiating H.323 terminal 1 initiates a call); responsive to receiving the video call from the internet protocol video data network the router establishing with a Gatekeeper routing control channels in a control channel session (column 132, lines 21-22, a PPP link is established between the calling terminal and the Gatekeeper 4 on a well-know unreliable transport address/port) for routing the incoming video call to a destination address (figure 19c, another H.323 terminal[8]); initiating a query (column 132 lines 12-67 and column 133 lines 1-60, Calling terminal sends an admission request message to the Gatekeeper[4]) of gatekeeper to determine the status of control channel session (column 132 lines 12-67 and column 133 lines 1-60, gatekeeper may be involved in H.245 control channel communications); receiving a status of the control channel session at the router and the router delivering the incoming video call to the destination address based on the received status (column 132 lines 12-67 and column 133 lines 1-60, if setup request fails, the gatekeeper 4 informs the calling terminal 1, if the setup request is a success, called terminal 8 responds with a connect message which include a reliable port address for H.245 connection; the gatekeeper 4 responds to the calling terminal 1 with the connect message along with the port address for the H.245 control channel communications; calling terminal 1 sets up a connection for H.225 call control signaling with the gateway 4, establishes another connection for H.245 control channel communications and responds to the gateway 4 with connect acknowledgment

message; the gatekeeper 4 in-turn sends the connect acknowledgment message to called terminal 8. Called terminal 8 now sets up a H.225 call control connection).

In regards to claim 9, Krishnaswamy anticipates the status of the control channel session received at the router comprises an indication that the control channel is set up the method further comprising delivering the video call to the destination address from the router (column 132 lines 12-67 and column 133 lines 1-60, if the setup request is a success, called terminal 8 responds with a connect message which include a reliable port address for H.245 connection; the gatekeeper 4 responds to the calling terminal 1 with the connect message along with the port address for the H.245 control channel communications; calling terminal 1 sets up a connection for H.225 call control signaling with the gateway 4, establishes another connection for H.245 control channel communications and responds to the gateway 4 with connect acknowledgment message; the gatekeeper 4 in-turn sends the connect acknowledgment message to called terminal 8. Called terminal 8 now sets up a H.225 call control connection).

In regards to claims 10, 11 and 12 Krishnaswamy anticipates the status of the control channel session received at the router comprises an indication that the control channel is not set up (column 132 lines 12-67 and column 133 lines 1-60, if setup request fails, the gatekeeper 4 informs the calling terminal 1), the method further comprising buffering a terminating video call until router receives a status of the control channel session comprising an indication that the control channel is set up; receiving a subsequent status of the control channel session, the subsequent status of the control channel session comprising an indication that the control channel is set up; and

delivering the buffered terminating video call responsive to the subsequent status (column 124, lines 6-10, if the ACD has no Agent ports available, then the caller is connected to the Video On Hold Server, which has the ability to play advertisements and other non-interactive video, until the ACD finds a free Agent port).

In regards to claim 13, Krishnaswamy anticipates the status of the control channel session comprises an indication that the control channel is not set up, the method further comprising precluding delivery of the incoming video call to the destination address responsive to receiving the status of the control channel session (column 132 lines 12-67 and column 133 lines 1-60, if setup request fails, the gatekeeper 4 informs the calling terminal 1).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnaswamy in view of Gardell et al. (US PAT 6031896), hereinafter referred to as Gardell.

In regards to claims 14 and 15, Krishnaswamy teaches setting up video calls as described in the rejection of claim 8 above.

In regards to claim 14 Krishnaswamy does not explicitly teach delivering the incoming video call to a radius server (RS). In regards to claim 15 Krishnaswamy does not explicitly teach delivering the incoming video call from the radius server (RS) to the destination address.

In regards to claims 14 and 15, Gardell in the same field of endeavor teaches once the Gateway 170 receives the password, the Gateway 170 transmits a AUTHREQ (11) signal to a Radius Server 217 in step 11. The Radius Server 217 authenticates the subscriber by checking the password and sending an AUTHRESP (12) signal to the Gateway 170 in step 12 if the password is properly authenticated. The Gateway 170 responds by sending an ARQ (13) signal to the first Gatekeeper 220 in step 13 to obtain permission for the call. In response, the first Gatekeeper 220 generates a location request LRQ (14) signal to be sent to the second Gatekeeper (column 5 lines 64-67, column 6 lines 1-4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krishnaswamy's method by incorporating radius server during call setup as taught by Gardell. The motivation is that it is well known in the art to use radius server (as suggested by Gardell, column 5 lines 64-67, column 6 lines 1-4) for authentication during video call setup.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salman Ahmed whose telephone number is (571)272-8307. The examiner can normally be reached on 8:30 am - 5:00 pm.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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